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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,085	07/15/2003	Minoru Kawahara	450100-04652	7420

7590 01/28/2008		EXAMINER
FROMMER LAWRENCE & HAUG LLP		LONG, ANDREA NATAE
745 FIFTH AVENUE		
NEW YORK, NY 10151	ART UNIT	PAPER NUMBER
	2176	

MAIL DATE	DELIVERY MODE
01/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 November 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 and 3-7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☒ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

FINAL ACTION

Remarks

1.   Claims 1, 6, and 7 were amended. The rejection of claims 1, 6, and 7 under 35 U.S.C.

112, second paragraph is moot. The objection to the drawings has been withdrawn.

Priority

2.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

However, the Office has not been supplied with a certified translation of the application.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Lang (US Patent 5164839) hereinafter "Lang", in view of Lindsey et al (US Patent 6226296

B1), hereinafter "Lindsey".

*For the convenience of the Applicant, the Examiner has pointed out particular references
contained in the prior art(s) of record in the body of this action. Although the specified citations
are representations of the teachings in the art and are applied to the specific limitations within
the individual claim, other passages and figures may apply as well. The Applicant should
consider the entire reference(s) as applicable as to the limitations of the claims.*

        As to independent claims 1, 6, and 7, Lang discloses *a data processing apparatus,*

method and a program for causing a computer to execute a data processing method for

processing audio visual data made up of video or audio data (column 3 lines 40-50 → Lang

teaches an audio/video device for manipulating data)

        said data processing comprising:

        receiving means for receiving an edit command specifying how to edit said audio visual

data (column 6 line 53 through column 7 line 5 → Lang teaches a user interface controlled by a

user to edit the data);

        analyzing means for analyzing edit procedure data and recognizing the edit command in

the edit procedure data (column 6 lines 63-68 → Lang teaches a user viewing and examining

frames of the audio video data for editing);

        editing means for editing said audio visual data in accordance with said edit command

(column 7 lines 10-19 → Lang teaches the CPU is used to interpret the edit command from the

user);

        determining means for determining whether said edit command specifies a command for

copying of said audio visual data (column 9 lines 37-63 → Lang teaches determining means is

one of a desired command from the user to copy data);

        controlling means which, if said edit command is determined to specify the copying of

said audio visual data, then transfers said audio visual data from a copy source formed by one at

least one recording/reproducing means for recording or reproducing said audio visual data, to a

copy destination formed by either the same or another recording/reproducing means (column 9

lines 37-63 → Lang teaches when desired to copy the data is copied from the recording media to

another media);

       and if said edit command is determined to specify an editing action other than copying of

said audio visual data, then transfers the unedited audio visual data reproduced from one of said

at least one recording/reproducing means to said editing means for the specified editing action,

and transfers the edited audio visual data coming from said editing means to either the same or

another recording/reproducing means for storage therein, while synchronizing said editing

means and the two recording/reproducing means in operation (column 10 lines 10-32 → Lang

teaches when editing operations are selected the original version is stored into memory and the

editing is accomplished by the user through control of the digital control unit).

Lang does not disclose *without synchronizing the two recording/reproducing means in*

operation. However, Lindsey does teach *without synchronizing the two recording/reproducing*

means in operation (column 2 lines 57 to column 3 line 3 → Lindsey teaches an asynchronous

transfer mode of video and audio through a routing switcher).

It would have been obvious to one of ordinary skill in the art at the time the invention

was to have combined asynchronous transfer of Lindsey with the data processing of Lang to save

time of development.

As to dependent claim 3, Lang discloses *wherein said at least one*

recording/reproducing means is incorporated in the apparatus (column 3 lines 40-50 → Lang

discloses the device consists of an AV recorder editor/transceiver and addition units all in a

common housing).

As to dependent claim 4, Lang discloses *wherein said at least one*

recording/reproducing means is capable of recording or reproducing said audio visual data to

or from a randomly accessible storage medium (column 4 lines 29-40 → Lang teaches that the

VCU comprises of RAM which is used in conjunction with the CPU for interim data storage).

As to dependent claim 5, Lang discloses *wherein said edit command is recorded on a*

storage medium and reproduced therefrom by said at least one recording means (column 6 lines

46-52, column 7 lines 13-15 → Lang discloses the edit commands are stored in ROM and are

accessed by the DCU and CPU); *and*

     wherein said receiving means receives said edit command reproduced from said storage

medium (column 6 line 46 through column 7 line 5 → Lang teaches that the user accesses a user

interface which is controlled by the DCU that comprises ROM to specify edit commands.

Response to Arguments

5.   Applicant's arguments filed 11/02/2007 have been fully considered but they are not

persuasive.

    Applicant asserts that "Lang and Lindsey fail to teach or suggest analyzing means for

analyzing edit procedure data and recognizing the edit command in the edit procedure data,

editing means for editing said audio visual data in accordance with said edit command, and

determining means for determining whether said edit command specifies a command for copying

of said audio visual data".

The Examiner respectfully disagrees. As stated in the rejections above Lang reasonably

teaches the fore mentioned limitations of the independent claims. Lang teaches a system that

allows a user to select frames of audio and video data for editing. The editing process is

performed within a CPU, which executes the editing function that was selected by the user.

Additionally Lang teaches the audio video data being copied to another location. While Lang

does not explicitly teach the edit command being a copying feature, one of ordinary skill in the

art can implicitly conceive that copying of data is a primitive editing feature of arrange data from

location to another. The whole basis behind the CPU is to determine the editing procedure and

the data to which it pertains to execute the user's desire for editing the data. Therefor Lang in

addition to Lindsay teaches the limitations as describe above.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
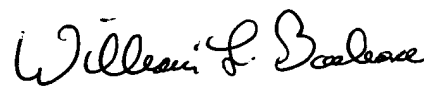
however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The

examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
January 7, 2008

WILLIAM BASHORE
PRIMARY EXAMINER